

REMARKS

The Applicants' representative contacted the Examiner on October 9, 2002 to discuss the rejections made in the final Office Action. During a telephone conversation with the Examiner and the Examiner's supervisor, it was indicated that only a formal written response to the Office Action would be considered. As a result of the Office Action and the interview, the present response is now submitted.

Claims 7-14 have been rejected under 35 U.S.C. §112, first paragraph, as containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Specifically, the Examiner has indicated that the phrase "said level position controlling means controls the level position of said crucible based on the ascent speed adjusted by the adjustment value when certain criteria are satisfied and said level position controlling means controls the level position of said crucible based on just the ascent speed when the certain criteria are not satisfied" in claim 7 is not supported in the specification. This rejection is respectfully traversed.

The Examiner's attention is brought to paragraph [0033] of the substitute specification which clearly indicates that the adjustment value addition proprietary judging means 16 determines whether the adjustment value should be added to the ascent speed based on a number of criteria. The Examiner's attention is also brought to Figure 1 which clearly illustrates that the adjustment value addition proprietary judging means 16 is a part of the level position controlling means 20. Further, in paragraphs [0044] - [0048] and specifically paragraph [0048], the operation of the level position controlling means 20 is described as judging whether or not the adjustment value is added to the ascent speed based on the same criteria as described in paragraph [0033].

In light of above-mentioned disclosure in the specification, it is quite apparent that there is adequate disclosure in the specification to support the claim limitation that the level position controlling means 20 controls the level position based on the ascent speed adjusted by the adjustment value when certain criteria are satisfied. Therefore, the phrase in claim 9 indicating that the level position controlling means controls the level position of the crucible based on the

ascent speed adjusted by the adjustment value when certain criteria are satisfied and the level position controlling means controls the level position of said crucible based on just the ascent speed when the certain criteria are not satisfied is clearly supported by the specification.

As a result, it is apparent that the Examiner's rejection of claims 7-14 under 35 U.S.C. §112, first paragraph, is improper and withdrawal this rejection is requested.

Claims 7-14 have also been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner has indicated that the phrase "certain criteria" in claim 7 is indefinite. This rejection is respectfully traversed.

As detailed in M.P.E.P. §2173.02, "[d]efiniteness of claim must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the art at the time the invention was made."

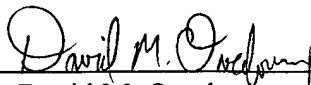
Due to the fact that claim 7 must be analyzed in light of the specification, the Examiner's attention is brought to paragraphs [0033] and [0059] which clearly describe examples of "criteria" within the meaning of the claim limitation. This disclosure in the specification of examples of "criteria" which are the basis of the control of the crucible by the level position controlling means provide support for the definiteness of the claim limitation. As a result, it is apparent that the Examiner's rejection of claim 7-14 under 35 U.S.C. §112, second paragraph, is also improper and withdrawal of this rejection is requested.

In addition, since the Examiner has not included the prior art rejections of the Office Action mailed May 1, 2002 in the present Office Action, it is assumed that the Examiner has determined that these rejections are not applicable to present claims 7-14 and that these claims contain allowable subject matter.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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